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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 UNITED STATES OF AMERICA,)
13 Plaintiff,) **ORDER**
14 v.) 2:12-CR-066-APG-(CWH)
15 EARL GROSS,)
16 Defendant.)

17 **THE UNITED STATES OF AMERICA’S MOTION TO REPLACE THE SEALED EX PARTE**
18 **MOTION TO SUBSTITUTE AND TO FORFEIT PROPERTY OF EARL GROSS (ECF NO. 91)**
19 **AND SUBSTITUTION AND FORFEITURE ORDER (ECF NO. 93)**
WITH A REDACTED MOTION AND ORDER

20 The United States of America (“United States”), by and through Daniel G. Bogden, United States
21 Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney,
22 respectfully requests this Court to replace the United States of America’s Sealed Ex Parte Motion to
23 Substitute and to Forfeit Property of Earl Gross (ECF No. 91) and the Substitution and Forfeiture Order
24 (ECF No. 93), which were filed under seal on or about December 16, 2013, with a redacted Motion and
25 Substitution and Forfeiture Order. See attached Exhibits 1 and 2. The United States filed the Motion
26 under seal because it feared that if the Motion was served on the other party before the substitute assets

1 were taken into custody, the assets in the accounts would disappear and because of the personal
2 identifying information. The Federal Bureau of Investigation seized the substitute assets in the accounts
3 on December 20, 2013, and December 23, 2013.

4 Fed. R. Crim. P. 49.1 protects social security numbers, taxpayer-identification numbers, birth
5 dates, and financial-account numbers. Fed. R. Crim. P. 49.1(a). The Sealed Ex Parte Motion to
6 Substitute and to Forfeit Property of Earl Gross (ECF No. 91) and the Substitution and Forfeiture Order
7 (ECF No. 93) used the above-named numbers to identify the accounts which were seized. Although
8 “[t]he redaction requirement does not apply to . . . a financial-account number or real property address
9 that identifies the property allegedly subject to forfeiture in a forfeiture proceeding...” (Fed. R. Crim. P.
10 49.1(b)(1)), in an abundance of caution, the United States requests the Motion and the Order to protect
11 Earl Gross’ personal identifying information.

12 Fed. R. Crim. P. 49.1(d) authorizes this Court to file a redacted Sealed Ex Parte Motion to
13 Substitute and to Forfeit Property of Earl Gross and the Substitution and Forfeiture Order for the public
14 record. Fed. R. Crim. P. 49.1(d). The court retains the unredacted Motion and Order under seal as part of
15 the record. Fed. R. Crim. P. 49.1(f). By filing the attached redacted Motion and Order, the public will
16 have some knowledge concerning this case, but the sensitive numbers will be protected. The United
17 States will serve the potential claimants the redacted Motion and Order and file the redacted Motion and
18 Order with the service of process return.

19 For these reasons, this Court should replace the Sealed Ex Parte Motion to Substitute and to
20 Forfeit Property of Earl Gross (ECF No. 91) and the Substitution and Forfeiture Order (ECF No. 93) with

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1 the attached Redacted Motion and Order, authorize the service of the redacted Motion and Order on the
2 potential claimants, and authorize the use of the redacted Motion and Order for the service of process
3 return.

4 DATED this 22nd day of January, 2014.

DANIEL G. BOGDEN
United States Attorney

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7 /s/ Daniel D. Hollingsworth
8 DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

9 IT IS SO ORDERED.

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11 DANIEL D. HOLLINGSWORTH
UNITED STATES DISTRICT JUDGE

12 DATED: January 28, 2014
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